

Chapter 14.04 Authority, Purpose, Interpretation, Administration, and Penalties

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14.04.010 Title.

Title 14 of the Duvall Municipal Code shall be known as the Duvall Unified Development Regulations, also referred to as the “UDR” or “Title”.

14.04.020 Authority.

The Duvall UDR is enacted under the authority granted to the City by the Constitution of Washington State, and the Revised Code of Washington (RCW).

14.04.030 Purpose.

- A. The general purposes of the Duvall UDR are to:
 - 1. Encourage land use decision making in accordance with the public interest and applicable laws of Washington State;
 - 2. Protect the general health, safety and welfare;
 - 3. Implement the Duvall Comprehensive Plan goals and policies through land use regulations;
 - 4. Provide for the economic, social and aesthetic advantages of orderly development through harmonious groups of compatible and complementary land uses and the application of appropriate development standards; and
 - 5. Mitigate or eliminate physical hazards and adverse environmental impacts caused by development.
- B. In carrying out these purposes, the UDR shall provide for the implementation of goals, policies and plans through the adoption, administration and enforcement of plans, regulations, procedures, capital improvements, and municipal services and programs.
- C. The Duvall UDR shall be considered during review and revision of Duvall's Comprehensive Plan goals and policies and City regulations and procedures.
- D. The Duvall Comprehensive Plan shall be the basis for designating land use zones, applying development and shoreline requirements, and guiding development in areas presently outside the City but which may be annexed subsequent to the adoption of the UDR. The Duvall UDR is to be used as a guide by other governmental agencies when taking action within the Duvall urban growth area (UGA).

14.04.040 Conformity required.

- A. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with the UDR and all other provisions of the Duvall Municipal Code (DMC).
- B. Creation of or changes to lot lines shall conform with the use provisions, dimensional, and other standards, and procedures of the UDR.
- C. All land uses and development authorized by the UDR shall comply with other regulations and or requirements of Title 14, the DMC, and the laws or regulations of any other local, state or federal agency that has jurisdiction over land uses and development. Where a difference exists between this Title and other regulations, the more restrictive requirements shall apply.
- D. Where more than one part of this Title or other portions of the DMC apply to the same aspect of a proposed use or development, the more restrictive requirement shall apply.
- E. All public improvements constructed in conjunction with development under Title 14 shall also be subject to the standards set forth in Title 8 of this code and may be varied in accordance with Title 8.

14.04.050 Minimum requirements.

In interpretation and application, the requirements set forth in this Title shall be considered the minimum requirements necessary to accomplish the purposes of the UDR. Any act or activity regulated in this Title shall also comply with all other applicable requirements of City code, laws and regulations.

14.04.060 Interpretation – General.

- A. The more specific regulation applies to a land use application. Regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirement of general application.
- B. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise.
- C. Chapter and section headings, captions, illustrations and references to other sections or titles are for reference or explanation only and shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of any section. In case of any ambiguity, difference of meaning or implication between the text and heading, caption or illustration, the text and the permitted use tables shall control. All applicable requirements shall govern a use whether or not they are cross-referenced in a text section or land use table.
- D. The word "shall" is mandatory and the word "may" is discretionary. The word "should" is mandatory unless waived by the Director due to special circumstances.
- E. Unless the context clearly indicates otherwise, words in the present tense shall include past and future tense, and words in the singular shall include the plural, or vice versa. Except for words and terms defined in this title, all words and terms used in this title shall have their customary meanings.

14.04.070 Interpretation – Title 14.

- A. Criteria. The Director may issue interpretations of the UDR. The interpretations shall be based on:
 - 1. The defined or common meaning of the words of the provisions;
 - 2. The general purpose of the provision as expressed in Title 14;
 - 3. The logical or likely meaning of the provision viewed in relation to the comprehensive plan;

4. Input and recommendations from other members of the development review committee; and
 5. Input and recommendations from the City Attorney.
- B. An interpretation of the UDR will be enforced as if it is part of the UDR. Code interpretations shall be considered superseded if amendments are made by the City Council to the code section which was previously interpreted. If the interpretation of the Director is modified on appeal, the Director shall amend the interpretation to include the modification and change any reference in the codification of Title 14.
 - C. All interpretations of the UDR, filed sequentially, shall be available for public inspection and copying at City Hall during regular business hours. The Director and City Attorney, when codifying revisions to Title 14, shall also make appropriate references in the DMC revisions to code interpretations affecting particular code sections.
 - D. Any aggrieved party may appeal an interpretation issued by the Director. Appeals of the Director are as set out in DMC 14.08.
 - E. The applicable Department Director may at any time amend an administrative decision to correct ministerial errors clearly identifiable from the public record. Such a correction does not affect any time limit provided for in this Title. The applicable Department Director may at any time clarify a statement in a written administrative decision as long as the clarification does not alter the intent or effect of the decision.

14.04.080 Interpretation – Allowed or conditional uses.

- A. The Director shall determine whether a proposed land use not specifically listed in a land use table is allowed in a zone, either as an outright permitted use or as a conditional use. The Director shall take into consideration the following when making a determination:
 1. Whether or not the proposed use in a particular zone is similar in impact to other allowed or conditional uses and complements or is compatible with other uses; and
 2. Whether or not the proposed use is consistent with the zone's purposes as set forth in DMC 14.12-14.32.

14.04.090 Interpretation – Zoning map.

Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

- A. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Nonroad-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owner's lot.
- B. Where boundaries are indicated as following approximately the lot lines, the actual lot lines shall be considered the boundaries.
- C. Where boundaries are indicated as following lines or ordinary high water, or government meander line, the lines shall be considered to be actual boundaries. If these lines should change, the boundaries shall be considered to move with them.
- D. If none of the rules of interpretation described in the above subsections apply, then the zoning boundary shall be determined by map scaling.

14.04.100 Interpretation – Right-of-way.

- A. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this document, land contained in rights-of-way for streets or alleys shall be considered unclassified.
- B. Within street or alley rights-of-way, uses shall be limited to street or other public purposes, including parks.

- C. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is merged.

14.04.110 Administration.

The Director, as the duly authorized representative of the Mayor, is charged with the responsibility of carrying out the provisions of the Comprehensive Plan and UDR for Duvall. The Director shall serve in an advisory capacity to the Hearing Examiner, Planning Commission, and City Council in comprehensive planning and land use matters. The Director, while retaining overall responsibility, may delegate specific tasks to other staff members.

14.04.120 Permit review authority.

Decision making authority for permit applications is as set out in DMC 14.08, Permit Processing.

14.04.130 Violations defined.

No building permit or land use approval in conflict with the provisions of this code shall be issued. Structures or uses which do not conform to this code, except legal nonconforming uses, sites or structures as specified in this title and approved variances, are violations subject to the enforcement, penalty and abatement provisions of this code. Violations of this code include but are not limited to:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding or placing a structure in violation of setback, height, and other dimensional standards;
- C. Establishing a permitted use without complying with applicable development standards set forth in other codes, regulations, ordinances, rules or other laws, including but not limited to road construction, surface water management, building codes, design standards, and UDR standards;
- D. Failing to carry out or observe conditions of land use or permit approval including contract development standards of property-specific agreements;
- E. Failing to secure required land use or permit approval prior to establishing a permitted use; and
- F. Failing to install and/or maintain site improvements, such as landscaping, parking or drainage control facilities as required in this code or other ordinances.

14.04.140 Permit suspension, revocation or modification.

- A. Any permit or land use approval issued by the City pursuant to this code may be suspended, revoked or modified on one or more of the following grounds:
 - 1. The approval was obtained by fraud;
 - 2. The approval was based on inadequate or inaccurate information supplied by the applicant or the applicant's representative;
 - 3. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
 - 4. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
 - 5. The holder of the permit or approval interferes with any authorized City representative in the performance of their duties respecting the permit or approval or implementation and review thereof.
- B. Authority to revoke or modify a permit or land use approval shall be exercised by decision maker, as follows:
 - 1. The City Council may, after review and recommendation by the Planning Commission, revoke or modify a Type IV approval.

2. The Hearing Examiner may, after review and recommendation from the Director revoke or modify any Type III approval,
 - a. The Planning Commission can make a recommendation to revoke or modify Site Plan/Design Review Applications only. Such recommendations can be individual or combined with the Director's recommendation.
 - b. The Director shall be the recommending body for all other Type III applications.
 - c. The Hearing Examiner may, after review and recommendation from the Director, revoke or modify any Type I or II approval.
- C A proposal to revoke or modify any permit, variance or land use approval may be initiated by the City Council, Planning Commission, Hearing Examiner, or the Director if they were the party who issued the permit or land use approval or if they recommended a permit to the decision maker.

14.04.150 Violations and penalties.

- A. Any firm, business, property owner, corporation, entity or person who violates the standards or provisions of Title 14 or the more stringent standards imposed by the City through the DRC, Planning Commission, Hearing Examiner, City Council, or other authorized official or body, shall be guilty of a civil infraction. Civil infractions under this section shall be processed as set forth in DMC 2.24.
- B. The City shall also have the right to abate any violations of this code by seeking injunctive relief in the King County Superior Court. Any firm, business, property owner, corporation, entity or person found in violation shall be responsible for paying the City's court costs and reasonable attorney's fees in any abatement action.